ΕΠΙΕΙΚΕΙΑ:

OR,

A TREATISE OF *Christian Equitie and* moderation.

Delivered publikely in Lectures by M. W. Perkins, and now published by the consent of his *Assignes in Cambridge* by a Preacher of the word.

Eph. 4. 31.

Forgive one another, as God for Christs sake doth forgive you.

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And are to be sold in Pauls Church-yard at the signe of the Crowne by Simon Waterson.

To the right Honourable the L. *Sheffeild*, Lord Lieuetenant, and L. Prefident. *Sir Tho. Heskith, S. Iohn Benet* Knights. Charles Hales, R. William, Cutbert Pepper, Iohn Ferne, Eſquires, and the *reſt of his Maieſties Hon. Conncell, eſtabliſhed* in the North parts, and vnder his *Highnes the higheſt Patrons of E*quitie: Grace and peace *from Ieſus Chriſt.*

RIght Honourable and W. how famous in all writers the yeare Eightie eight, and how fatall it was made by all the old and later Coniecturers, is not vnknown to any of you: but how the iſſue anſwered the expectation, I ſee not, ſaue only in that notable ouerthrow of the enemies of god, the Papiſts: whereupon our reuerend [a] countreyman, and Chriſts Champion for England, ſaid very well:

[a] Fulk. in pr. in Teſt. Rhe.

Octogeſimus octavus, mirabilis annus

Clade Papistarum, faustus vbiq; pijs.

But if euer yeare deserue to be famous in English Chronicles, it is this yeare, I cannot tell whether I should say 1602, or 1603: wherein, whether Gods anger was more, in taking from vs such a Queene (as for ought I reade) the world neuer had: or his mercie, in giuing vs such a King, as England neuer had, I leaue it to better heads to be determined. How is the name of our God to be magnified, by whose mercie so great a losse is made no losse, but a gaine vnto vs? for who seeth not, that all her Princely vertues, doe not only liue in him, but are also in him (beeing a man) more perfect and accomplisht. Shee is dead, but her Heroicall zeale and loue to Religion is aliue; shee bequeathed it with her kingdome to his Highnesse, who doubtlesse will make both her Religion, and her Kingdome, to flourish as much more, as a man doth excell a womā. And who knoweth not, that the enemies of our Religion, and our peace, (notwithstanding all their politik dissembled brags to the contrarie) doe finde his Maiestie so little for their purpose, that now they would sing a thousand Masses to haue her aliue againe, against whom they thundred

dred out [b] ſo many Curſes and Excommunications, and after whoſe blood they ſo thirſted whilſt ſhee liued: what ſtraights are they driuen into? who would wiſh her aliue againe, at whoſe hands (though a woman) they neuer gained, nor got one inch of ground in 44 yeares; though nine or ten Popes, and 10000 of their ſlaues, wraſtled with her all the while, with all the power, and policie, craft, and trecherie, which the Deuill could lend them. Nay, her end was as glorious as her beginning, and her laſt Proclamation againſt them, was more to their ſhame, and leſſe to their comfort, then euer any, in her life before: and ſo farre was ſhee, from allowing them a Toleration, of their intolerable religion, in her old, and therefore weakeſt age, as that it neuer entred into her royall heart: nor euer thought ſhee it worthie to be made a queſtion, whether it ſhould be or no. No, ſhee halted not betwixt two religions: but to her Baal was Belial: & therfore ſhee baniſht him; and God was the Lord, and therefore ſhee ſerued him. Shee was reſolued that Dagon muſt downe, if Gods Arke ſtand; or els if Dagon ſtand, the Arke muſt away. For both together cannot ſtand vpright. Shee held that as,

[b] Pius 5. Gregor. Sixtus 5.

Paulus Pius 4. Pius 5. Gregor. Sixtus 5. Vrbanus Gregor. Innocen. Clemen.

1. King. 18.

1. Sam. 5. 2.

when the enemies themselues brought the Arke into Dagons temple, Dagon fell downe: so if the Israelites should haue admitted Dagon into Gods temple, that the Lord himselfe would haue remooued his Arke from them. Blessed was shee in her life, & twise blessed in her end: she lost not
4.19. her first loue, and her works were more at the last, then at the first: and blessed are we that enioyed her so long: and more blessed, who vnder her enioyed such 44 yeares, as all the bookes in the world cannot shew vnder a woman: but most blessed of all, in that after such a Dauid, God hath sent vs such a Salomon, after such a woman, such a man, after such a Queene, such a King, who will make an ende of
5.6. many a Ioab, and many a Shimei, which shee could not so well doe, and finish that
on. Temple which shee so well beganne: and who (I doubt not to affirme it) doe the Deuill, and the craftie Papist, all they can, is the chiefe Champion of Christ Iesus vpon the face of the earth.

And how happie a yeare shall this be, if the losses which learning hath sustained be as well recompenced. *Iunius* of *Leiden*, *Tossaine* of *Heilderberg*, *Perkins* of *Cambridge*, haue this yeare bin taken from vs,

besides

beſides many other, of inferiour note: happie ſhould thoſe three famous Vniuerſities be, if the like were ſeated in their roomes. Let vs leaue the firſt, to the lower, the ſecond to the higher Germanie, to praiſe them, to lament them, and to make ſupply for them. It is the third who eſpecially concerneth vs: what loſſe the Church of God, and in the Church, England: and in the Church of England, the Miniſtery: and in the Miniſterie, the Vniuerſities: & in the Vniuerſities, the younger ſtudents haue ſuſtained by the vntimely death of that Reuerend man, I thinke is not vnknowne to any of you. For how ſhould he be vnknown to any (of any note) in England; whoſe name and eſtimation is ſuch in other natiõs, as that at one [a] Mart we find, that in one halfe yeare, two of [b] his books were tranſlated into Latine, & foure were were printed beyond the ſeas. The beſt recompence of this loſſe, is the fruit of his labours, which he hath left behind him, whereof ſome were written by himſelfe, and others taken by other men from his mouth: all which, at leaſt ſo many of them as may be perfected, there is hope we ſhall in time inioy. Had not *Iohan. Budæus*, and *Carolus Ienvillæus* done ſo to *Calvin*: *Vi-*

a Nund. ver. 603.
b Catho reforma de mort de vita. Prophet.
Calv. in

tus Theodorus, Ioh. Frederus, and Iustus Ionas done so to Luther, many worthy workes of those two great instruments of God had vtterly perished: and had not some done so to this worthy mā, no doubt many sweet blasts of that siluer trumpet of God, had vanished away. For my part, though time be pretious vnto me otherwaies, yet thinke I that time well spent, which I may bestowe in preparing to the Presse, any thing of his. This discourse of Equitie now made readie, as a child borne after his fathers death, I present to your Honourable viewe and patronage. If any aske why I dare tender so small a gift, to so great personages, my onely answer is, I make the Iudges of Equitie, the Patrons of Equitie. God graunt you a long and Honourable state, vnder our worthy Salomon. *Amen.* From my studie, Sept. 10. 1603.

Your Honours, and Worships in the Lord:

W. Crashawe.

To the Christian Reader whosoeuer.

I Doe here present vnto thee, (Christian brother) a small discourse of Equity, deliuered by that faithfull labourer in the harueſt of God, Mr. William Perkins, in a fewe Lectures. The discourse is litle, and briefe, but the matter is pithie, and the Vse profitable. Equitie and Christian moderation whether publike or priuate, is the true badge of Christianitie. Without publike Equitie, what is the court of Iuſtice, but turned into the ſeate of Iniquitie? and without priuate Equity, what is mans life, bu-

humane ſocietie, neighbourhood, nay friendſhip, nay kindred, nay marriage it ſelfe, but euen a potion of poyſon in a golden cuppe? Art thou therfore a Magiſtrate? here is taught thee, howe to diſcharge thy place, in the execution of the lawes, as ſhall neither be vnbeſeeming the lenitie of a Chriſtian, nor the ſeuerity of a Magiſtrate. Art thou a priuate man? here is taught thee howe to carrie thy ſelfe, in all dealing and bargaining with another: howe to demeane thy ſelfe towards thy wife, thy ſeruant, thy child, thy friend, thy neighbour, in ſuch manner, as if thou hadſt all the comforts and contentments of this earth, yet the practiſe hereof, ſhall make them all ten times more comfortable: and the want hereof, ſhall turne all their ſweetneſſe into gall and wormewood. When therefore thou readeſt this little booke, and withall, (laying it to thy life) doeſt finde the truth of it in thy courſe & conuerſation, then acknowledge the ſpirit of God in this holy man, (who now ſleepes in peace) praiſe God for him, be-

be waile his losse, and helpe me and others with thy holy praiers, that wee may still goe forward in this good worke, of publishing these his godly labours: and in deliuering out to the church of God these Iewels, which the Lord from his mouth, gaue vs to keepe, not for our owne, but for the common good.

Thy brother in
Christ Iesus,

W. C.

Philip. 4. 5.

Let your moderation of mind be knowne to all men: the Lord is at hand.

THe Apoſtle in this chapter, giues ſundry exhortations, to many Chriſtian duties. In the firſt verſe, to perſeuerance in faith and true religion. In the 2. and 3. to mutuall concord. In the 4. to a ſpirituall ioy in the Lord.

In this 5. verſe, he exhorteth to the vertue of Equitie, or moderation of minde. Our Engliſh tranſlations commonly read it thus. *Let your patient minde be knowne to all men.* which though it be truly and well ſaid, yet the wordes tranſlated haue a larger and fuller ſignification. Therefore according to the

nature and force of the wordes, I rather chuse to read it thus: *Let your equitie or moderation of mind be knowne &c.*

The wordes containe 2. partes.

1. An exhortation, *Let your equitie be knowne to all men.* 2. An excellent reason to enforce it: *the Lord is at hand.*

The drift and scope of the exhortation is, to perswade the Phillippians, and in them the whole Church, to the practise of *Equity.*

Now this *equitie*, wherevnto the holy Apostle so earnestly exhorteth, is, a worthy christian vertue, so excellent, as the carefull practise thereof, is the marrow and strength of a common weale, and where it is, there cannot but be peace, and contentment in all estates: and so necessarie: as without the practise of it, no house, familie, society, cittie, common-welth, kingdome, or Church can stand or continue. Indeed a kingdome may be established by force and armes, by violence and crueltie: but it cannot stand or continue, without this equitie, and christian moderation betwixt man and man. Nay ciuill society, and common dealing betwixt

man and man cannot continue, vnles one man yeild to an other. In a word, there can be no peace in families, no sound nor lasting loue, betwixt man & wife, nor any comfortable quietnes, where one doth not yeild to the other, and one beare with an other in many things. And if it be so in marriage, which is the neereſt coniunction, and the moſt excellent and perfect ſocietie, which is in this world: then is it much more true, in all other ſocieties of men, that there can be no peace, no christian neighbour-hood, no true frendſhip, vnles one beare with another, and one towards another do carry himſelfe, in an euen and moderate courſe.

Seeing therefore this is ſo neceſſary and excellent a vertue, I haue purpoſed to ſpeake of it at large. Let vs then examine theſe two points 1. the nature of it, 2. the kindes of it.

For the firſt; *Chriſtian Equitie, is a rare and excellent vertue, whereby men vſe a true meane, and an equall moderation, in all their affaires and dealings with men, for the maintaining of iuſtice and preſeruation of*

peace. This I take to be the true deſcription of the generall nature of this vertue: and herein, Firſt, I ſay it is a *vertue*, which is conuerſant about practiſing of a moderation, in all our courſes and dealings *with men*. For we men can vſe no meane nor moderation with God, but if we do euill, it is all to much, and if we do good, it is all to little: Againe, equitie and moderation, is to be performed of God towardes men, and not of men towardes God. For if men deale not equally towardes God, the fault is theirs and not his, God is not worſe for it; but if God dealt not moderately with men: the world would not laſt one houre, And laſtly. where there are no faults, there is no forgiuenes: where no infirmities, there needes no moderation: but in God there is no want, no errour, no imperfection: but his loue, his mercy, and his workes of loue and mercy towardes mankind, and to his Church eſpecially, are moſt perfect, therefore there needes no moderation, nor forbearance *towardes God, but towardes men*, who being fleſh and bloud, and full of infirmitis,

from

(from which regeneration it selfe doth not fully free vs) do therfore stand in need of this vertue, to be practised amongest them: els their societie and fellowship cannot endure. And further, all men in this case are alike, and therfore one hath good cause, to beare with another. The *Prince* is flesh and bloud as well as his subiects: the husband is flesh and bloud, as well as the wife is; the *Pastor* is a man as his people and hearers are. Hence it followeth, that therefore one is subiect to infirmities, as well as an other: and therefore I conclude, that in all our courses & dealings of man with man in this word, there must be practised *a christian moderation.*

Secondly, I say in the description, that the end of this vertue, is *to maintaine Iustice, & to preserue peace*; which two are the very sinewes and strength, of a Christian kingdome; for where we do not to other men, as we would others should do to vs: *there is no iustice*. And where we will not passe by small faultes, and forbeare infirmities, *there can be no peace*: such is the excellency of this vertue, as it serues to maintaine two other

such great and principall vertues, as are euen the harte, and the braine of the common-wealth, namely: Iustice and Peace.

But for the more exact, and particular knowledge of the nature of this necessary vertue: let vs descend to the particular branches, and kindes of it.

Christian Equitie therefore, is either publicke or priuate.

Publicke *equitie* is that, which is practised in publicke metings and assemblies of men, as in Courts of iustice, Assises, Sessions, Counsells, Parliments, and such like.

The matter, where about this publicke equitie is conuersant: is the right and conuenient, and the moderate and discrete *execution of the lawes of men.*

Lawes of men, made by lawfull authoritie, according to Gods law, and for the common good are, and are to be esteemed, bones and sinewes to hold to gether, proppes and pillers, to vphold the common wealth, and all societies. God therefore hath giuen to Kings, and to their lawfull deputies: power and autoritie, not onely to commaund and execute

execute his owne lawes, commanded in his word: but also to ordaine and enact, other good and profitable lawes of their owne, for the more particular gouernement of their people, and to be helpes for the better executing of the lawes of God. And also to annexe a punishment and penaltie, to the said lawes: which penaltie is to be according to the qualitie of the fault, greater or lesse: in so much that they may in many cases, (if the common good so require) inflict euen death it selfe. And further God hath giuen these goddes vpon earth, a power as to make these lawes, and annexe these punishments: so also vpon mens defaults and breaches, hath he giuen them authoritie to execute the law so made, and to inflict vpon the offender, the punishment annexed.

Now because this point is of great moment, in a common wealth: and the true knowledge and due practise thereof, is the glory and bewtie of a kingdome: therefore for the better directiō herein, both of prince and people, magistrate and people gouerned: let vs enter further into the consideration

thereof.

In the lawes of common-wealthes, two things are to be conſidered, the ſight whereof will giue great light, to know more perfectly, what this *publicke equitie is.*

Theſe are 1. the extremitie of the law. 2. the mittigation of the law.

Both theſe, are put into the hand of the Magiſtrate by God himſelfe, to be ordered according to his diſcretion, and as the circumſtance requireth; and of them in order. The *extremitie of the law*, is, when any law of man is vrged and executed ſtraightly and preciſely, according to the literall ſence, and ſtrict forme of the wordes, and the exacteſt meaning, that can be made out of the wordes, without any manner of relaxation, at that time, when there is good and conuenient cauſe of mittigation, in regard of the perſon offending.

This point cannot well be expreſſed in fewer wordes.

The principall and moſt materiall clauſe in this diſcription of *extremitie*, is in thoſe wordes. *At that time, when there is iuſt*

cauſe

cause of mittigation, in regard of the person offending. For if there be no good cause of mittigation: then it is not called, extremitie: but iustice of the law: but when there is good cause, why in a Christian consideration of some circumstances, this iustice should be mittigated, and yet is not, but contrariwise is extremely vrged, and pressed to the furtheſt: *then it is extremitie*. Now this extremitie of the law, is in this case so farre from iustice, as indeed it is flat iniustice. And herein is the prouerbe true, *Summum Ius summa iniuria*; that is, the extremitie of the law, is extreme iniurie. And of this doth the holy ghost meane, Eccles. 7.18. *be not ouer iust*, that is, presse not iustice to farre, nor vrge it to extremely in all cases, least sometimes you make the name of iustice, a couer for crueltie.

Now besides this, there is a second thing in the hand of the Magistrate, namely the *moderation, relaxation, or mitigation of this extremitie*: and that is, when the proper forme of the wordes, and the strictest meaning of the law is not vrged, and the punish-

ment

ment prescribed in the law, is moderated, or lessened, or deferred, or (it may be) remitted, vpon good and sufficient reason: and in such cases, as whereof the lawe speakes not directly, nor the law-maker did purposely aime at. The ground of this mittigation is, because no lawe makers beeing men, can foresee, or set downe, all cases that may fall out. Therefore when the case altereth, then must the discretion of the lawemaker shew it selfe, and doe that, which the law cannot doe.

This mitigation is in the hand of the Magistrate, as well as the extremitie: nay it is a part of his dutie as well as the former: and he offends as well, that neglects to *mitigate the extremitie*, when iust occasion is: as he that neglects to *execute the extremitie*, when there is neede. As therefore, he is no way fit to be a Iudge, who hath no knowledge, or care to execute the lawe: so he is but halfe a Iudge, who can doe nothing but vrge the lawe, and the plaine words of the lawe, and is not able also, to mittigate the rigour of of the lawe, when neede so requireth. Therefore euery Magistrate, is to practise this

this with the other, and not to ſeparate thoſe things which God hath ioyned.

But now leaſt this moderation, and mittigation of mans lawes, (which is the practiſe of publike equitie) ſhould turne to the maintenance of malefactors, the aboliſhing of lawes, the deſpiſing or weakening of authoritie, (which in theſe daies little needeth) we muſt therefore nowe remember this caution. *That there muſt be no mittigation, but honeſt, profitable, and conuenient.* If any man aske, when is it ſo? I anſwer in three caſes.

Firſt, when the mittigation ſtands with the lawe of nature.

Secondly, when it agreeth with the morall lawe, or any part of the written word.

Thirdly, when an inferiour law is ouerruled or countermanded by a higher lawe.

In theſe three caſes, the moderation of mens lawes and the mittigation of the puniſhment due, by the extremitie of theſe lawes, is honeſt and good, and may and ought to be practiſed.

But if it be contrarie, and not warranted by

by ſome of theſe: then that mittigation is flatt iniuſtice, and a manifeſt wrong vnto the law.

That the difference of theſe two, the *extremitie and mittigation*, may better be diſcerned, let vs conſider it in ſome examples.

It is the law of England, and many other countries, that the theife ſhall die.

Now though the word of God, hath not the ſame puniſhment in plaine tearmes: yet is the law good and warrantable, as ſhall appeare in the ſequell, and I thinke is doubted of by none.

The drift of this law is, to repreſſe that common and generall ſinne of theeuerie, a preuailing ſinne, as any other, and ſo farre preuailing; as the rigour of good lawes is neceſſarily required, for the repreſsing of it: ſo that this lawe was made, for the cutting off of ſuch rotten members, as doe but corrupt others, and of whoſe amendment there is no hope.

Now, ſuppoſe a young boy pinched with hunger, cold, and pouertie, ſteales meate, apparell,

parell, and other things for releife, beeing preſſed to it by want, and not hauing knowledge, or grace to vſe better meanes: to put this perſon to death, for this facte, is the *extremitie of the law*, in reſpect of the circumſtances of the perſon, who did it, beeing a childe: and of the end, for which he did it, to releiue his wants.

Now the *moderation* in this caſe is, when vpon theſe conſiderations, that *firſt*, he is not an olde, nor a practiſed theife: but young and corrigible: one that beeing reformed, may liue long, and prooue a good member in the common wealth: and *ſecondly*, that his theft was not hainous, but the things he ſtole were of ſmall value: and *thirdly*, that he did it not vpon a malitious, cruel, and iniurious intent, but to releiue his hunger and want. *The equitie or moderation*, I ſay in this caſe, is not to inflict death, (for that were extremitie) but to determine a puniſhment, leſſe then death: yet ſuch a one, as ſhall be ſufficient, to reforme the partie from his ſinne, to puniſh the fault, to terrifie

others,

others, and to satisfie the law.

Thus in this example, it apeares manifestly what this moderation is, and what is extremitie, which is contrary to it: and the same might we see in many more.

Now hauing thus considered these two together, hereupon we may see what this publicke equitie is, namely nothing els, but a moderation and mittigation of the extremitie of a law, vpon honest and conuenient reasons, and in such cases, as were not directly intended in the law. The obseruation and due practise of this equitie, is the glorie, credit and honour of all publicke assemblies, as assises, sessions and all courts of iustice, and without the obseruation of this when need is, all that they do is flat iniustice in that case. For they lame and maime the lawe, they fulfill but the one part of the lawe: for in euery lawe there are these two thinges; *the extremitie in plain tearmes, and the mittigation implied*: and these two together make the lawe perfect: and the glory of the lawe, standes as well in practising of mittigation, as in the execution of extremitie, nay some-

time

time it ſtandes in the mittigation, and not in the extremitie, inſomuch as the moderation is then the equitie of the lawe, and the extremitie is more iniuſtice. And as this is the glory of the lawe, ſo is it the glory of Iudges and Magiſtrates, thus to execute the lawes, and to temper them with ſuch diſcretion, as neither too much mittigation, do aboliſh the law, nor too much extremitie leaue no place for mittigation. Therefore (to make an end of this point) two ſortes of men are here reproueable. Firſt ſuch men, as by a certain fooliſh kind of pittie, are ſo carried away, that would haue nothing but *mercy, mercy*, and would haue all punniſhments, forfaitures, penalties, either quite taken away, and remitted, or at leaſt leſſoned, and moderated, they wonld alſo haue the extremitie of the lawe executed on no man. This is the high way to aboliſh lawes, and conſequently to pull downe authoritie, and ſo in the end to open a dore to all confuſion, diſorder, and to all licentiouſnes of life. But I need not to ſay much herein, for there are but few that offend in this kind, mans nature beeing gene-

rally

rally inclined, rather to crueltie then to mercie: This fault proceedeth either from a weakenes of witt, and an effeminatenes of minde; and then a man is *vnfit* to be a Iudge; or elſe from vaine glorie, and a baſe and affected popularitie, and ſuch a man is *vnworthy* to be a Iudge.

But in the ſecond place, this doctrine and the very ſcope of this text, condemnes another ſort of men, which are more comberſome; that is to ſay, ſuch men as haue nothing in their mouthes, but the *lawe, the lawe*: and *Iuſtice, Iuſtice*: in the meane time forgetting, that Iuſtice alwaies ſhakes hands with her ſiſter mercie, and that all lawes allowe a mittigation. The cauſes of this enill are two.

1. The generall corruption of mans nature, which is alwaies readie, to deale too hardly with other men: as alſo too mildely with themſelues, and partially in their owne cauſes.

2. And ſecondly, for the moſt part, ſuch men doe gaine more by lawe, then by equitie, more by extremitie, then by mittigation:

on: as the souldier liues better by warre, then by peace; and as the flesh-flie, feedes on the wound, that cannot feede on the sound flesh: so these men gaine by law, that which they can neuer get by equitie: for equitie and moderation breede vnitie, and if all men were at vnitie, what should become of them? but extremitie breeds variance: for (in reason) one extremitie drawes on an other, and so in mens variances they are set on worke: and the more the better for them. These men therefore, sticke so precisely on their points, and on the very tricks and trifles of the law, as (so the law be kept, and that in the very extremitie of it,) they care not, though equitie were troden vnder foote: and that law may raigne vpon the earth, and they by it: they care not, though mercie take her to her wings, and flie to heauen. These men (for all their goodly shewes) are the decayers of our estate, and enemies to all good gouernment. For though they haue nothing in their mouthes, but *Iustice, Iustice*, and haue banished mercie, yet let them know, that Iustice will not stay where mercie is not. They are

ſiſters, and goe alwaies hand in hand: they are the two pillars, that vphold the throne of the Prince: as you cannot hold mercy, where Iuſtice is baniſhed, ſo cannot you keepe Iuſtice where mercie is exiled: and as mercie without Iuſtice, is fooliſh pitie, ſo Iuſtice without mercie, is crueltie. So that as theſe men haue baniſhed mercie, ſo within a ſhort time, they will ſend Iuſtice after her, and crueltie and oppreſsion will come in their rooms, which are the very ouerthrow of all eſtates.

Theſe men, when they are made practiſers of the law, Iudges, or Magiſtrates, are to learne this leſſon, which the holy Ghoſt here teacheth, *Let your Equitie be knowne to all men*: and let all Magiſtrates thinke it their honour, to be counted *mercifull Iudges*: let them reioyce, as well to ſhew mercie when there is cauſe, as to execute extremitie when there is deſert: and let them labour for that Chriſtian wiſdome and diſcretion, wherby they may be able to diſcerne, when *mercie* and *mitigation* ſhould take place, and when *extremitie* ſhould be executed. If inferiour

Iudges

Iudges or Magistrates be negligent herein, then must we haue recourse to the Prince, the highest Iudge on earth, and vnder God the first fountaine of Iustice and mercie: whose care must be, that as Iustice and mercie (not one of them, but both together) doe vphold his throne, and fasten the Crowne vpon his head: so he likewise see them both maintained, and take order, that in the execution of his owne lawes, there be alwaies a roome as well for mercie and mitigation, as for Iustice and extremitie. This must he doe, because his lawes cannot be as Gods lawes are. Gods lawes are *perfect*, and *absolute*, and of such an vniuersall righteousnes, as that at all times, and in all places, they are of equall strength, and of the same equitie in all cases: and therefore are to be executed without dispensation, relaxation, or any mitigation, which cannot be offered vnto thē, but with iniurie and violation. But mens lawes, comming from their owne wits, are *imperfect*, and so in all cases, they doe not hold the same equitie, and therefore must needes be executed with a discreet and wise

moderation. This moderation is publike equitie, and this publike *Equitie*, is the ſcope of this text, and the due practiſe of it in the execution of mans lawes, is the glorie of all Chriſtian Commonwealths.

Hitherto of the firſt and principall branch of *Publike Equitie*.

To proceede further. As this publike *Equitie* principally ſtands, in the moderation of the laws of men; ſo it deſcends more ſpecially euē to all the publike actions of a mans life: ſo that by the rule and direction of this Equitie, thus deſcribed, men may know how to guide themſelues, *in ſuing bondes, and taking forfeitures*: and how men may with good conſcience, carrie themſelues in *ſuretyſhips*, *in taking of fines*, *in letting of leaſes*, and in all manner of mutuall bargains, betwixt man and man. By vertue of this, a man may ſee how to frame all theſe and ſuch like actions, in ſuch ſort, as himſelfe ſhall reape credit, and gaine ynough, & his neighbour helpe and ſuccour by him.

For in forfeitures of bonds, forfeitures of lands, or leaſes, in ſuretyſhips, in rents, in fines, and

and all other dealings of men togither, there are these two things.

First, *the extremitie*, that is, that which the law will afford a man in that case: and there is secondly, the *moderation* of the extremitie, vpon good and conuenient reasons: let vs consider of them in some fewe examples.

A man is bound to another, in an hundreth pound, to pay fiftie at a day. The same man, not by negligence, but by some necessitie, breakes his day, and afterwards brings the principall debt. Now to take the *forfeiture*, is in this case, *extremitie*: though the law doth yeeld it. And if a man stand vpon this extremitie, he deales *not honestly and equally, but hardly and extremely* with his neighbour: and the law cannot free him in this case, from manifest Iniustice.

What is then the *moderation* in this case? Euen this, to take thine owne and remitte the forfeiture: the reason is, because the cause & groũd of appointing a forfaiture, was not for aduantage, but only for the better securitie of the principall: which seeing thou hast,

thou haſt that which the law did intẽd thee.

Againe, his breach was not wilful, or with purpoſe to hurt thee, but againſt his will. If therefore thou beeſt directly damnified by his miſsiug thy day, (without all æquiuocation) then take thy reaſonable dammages, out of his forfeiture, if not, then remitte the vvhole forfeiture; *and this moderation is publike equitie.* And without this, there can be no buying nor ſelling, borrowing nor lending, betwixt mã & man. See anóther example. One takes a leaſe of thee, for yeares, to pay thee ſuch a rent; & for not paiment of that rent, his leaſe to be voide. The poore man miſſeth his rent day, now what ſaith the lawe? his leaſe is forfeited, but to take this aduantage, is the *extremitie* of the lawe: the moderation is, to remit the ſame forfeiture, in part, or in whole, as thou ſhalt ſee reaſon in equitie and conſcience: *This moderation is in this caſe, Publike equitie*, and without this, there can be no letting of lands, betwixt man and man.

So for fines and rents, the lawe ſaith, *Thou maieſt make the moſt of thine owne*, if thou ſtretch

ſtretch this law as farre as the very wordes will beare, then maieſt thou make ſuch fines and rents, as may grinde the faces of the poore, ſo as no man ſhall liue vnder thee: but thus to doe is *Extremitie*, and beyond the purpoſe of the lawe.

The moderation in this caſe is, not to take all thou maiſt get, but ſo to fine and rent thy lands, as he that takes them, may liue of thē. The reaſon of this *Mittigation is*, becauſe enuie and hatred, may often make many men offer more for a farme, then it is worth, to croſſe and hurt their neighbour, or to get all into their owne hand. Here therefore, though the lawe doeth yeild thee all that, which a man doeth willingly offer, yet muſt thine owne conſcience be a lawe vnto thee, to make thee a moderator of that extremitie.

Let theſe three examples ſerue for many. Now in theſe and all other publike dealings betwixt men in the world; a man obſerues *Publike equitie*, when he dealeth not with his neighbour, according to that *extremity*, which the ſtrickt wordes of the lawe will

beare: but according to that *Moderation*, which good conſcience requireth: & which the lawe it ſelfe in ſome caſes doth admit. By the knowledge of theſe two, a man that hath any conſcience, may ſee howe to carrie himſelfe, in all theſe ciuill affaires, in an euen, vpright, and equall courſe, and warrantable not onely by the lawe of the land, but euen by the law and word of God.

And I make this diſtinction of the lawe of the land, and the word of God, becauſe we are to knowe this for a rule: *That euery extremitie, which a law in the ſtricteſt acception doeth affoard, is not warrantable to be vrged by the word of God: and yet notwithſtanding it is good, conuenient, and requiſite, that the extremitie be warranted by the lawe, becauſe in ſome caſes, it muſt needes be executed.* The lawes of men, may ordaine and appoint extremities: but the law of God muſt tell vs, when to vrge them, and when to moderate them: So then, when a man takes the extremitie, he doeth that, that is alwaies warrantable by the lawe: but in ſome caſes, is not warrantable by Gods word, which

which commandeth a *Mittigation*, when there is good reaſon for it. But he that taketh the *extremitie*, when there is no iuſt cauſe of mitigating it, and againe doth mittigate it, when there is cauſe, his courſe is not onely warrantable by the lawes of men, but euen by the lawes of God alſo. For it is the dutie of euery Chriſtian man, to remember in all his bargains and dealings, that his manner of dealing, muſt not onely be warranted by the lawes of the land, but euen by Gods word alſo: and this is to be knowne and taken for a generall rule in all this treatiſe. And he that will duely conſider the true difference of *extremitie* and *moderation*, as they are here deſcribed, may ſee how to carrie himſelfe in all his dealings, ſo as they may be warrantable: both by our owne lawes, and by the word of God.

To returne then to the matter, and to end this point of publike equitie: If any man ſhall obiect, that this *moderation* is a wrong to the law: I anſwer, it is not: for it is neither *againſt the lawe*, nor altogether *beſides the lawe*, but onely *beſide the ſtrictest meaning*

ning of the lawe. Nay it is included in the lawe, as well as the extremitie is, though not in the ſame manner: for the *extremitie* is warranted by the law, *mitigation* is but tollerated: the lawe alloweth *extremitie*, but it onely admitteth a *mitigation*. So then, both *extremitie* and *mitigation*, are within the lawe, but it is in the hand principally of the Magiſtrate, and in ſome caſes, of other men alſo, to diſcerne the ſeuerall circumſtances, when the one is to be executed, & when the other: for ſometime one is the iuſtice of the lawe, and ſometime the other: and according as theſe two are iuſtly and wiſely executed or neglected, ſo is the iuſtice of the lawe executed or neglected.

The want of this equitie in mens publike actions, is the cauſe of much cruelitie, oppreſſion, and inequalitie in dealings betwixt man and man: becauſe *extremitie* is for the moſt part onely regarded, and *mitigation* is baniſhed out of all bargains. And it is impoſsible, to keepe good conſcience in forfeitures of bonds, and in forfeiture of lands, ſuretiſhips, fines, rents, and ſuch kind of actions, vnleſſe

there

there be due regard had to the practise of this publike equitie. Men therefore, must consider that they are Christians, and liue in a Christian commonwealth: And they must not stand onely vpon the lawe, and the aduantage that the law giues. As they are men, they haue a lawe of the countrie, which may allow extremitie: but as they are Christians, they liue vnder a law of God, the eternall lawe, which must iudge them at the last day: the righteous lawe, which no creature shall euer be able to blame of iniustice, or of extremitie: and men must know, that God himselfe commands this equitie of one man to another.

But if men, for the feare of God, will not deale *equally and moderately*, with them that are in their power: but stand strictly vpon forfeitures and other extremities: then must the godly Magistrate exercise his power, and by the force of his authoritie, cause them to mitigate their extremitie, and to put in practise that equitie which becommeth Christians. And let euery Iudge and Magistrate knowe, that by the lawe of the

euer-

euerlasting God, he not onely may, but is bound thus to doe to them, who will not doe it of themselues. It may be therefore good counsell to all men, rather to practise this *Christian equitie* of themselues, thē to be compelled to it by authoritie: for euery vertue and good worke, the more free and voluntarie it is, the more acceptable is it to God, and more commendable before men: and let all men remember, that whereas the strict words of mens lawes, seeme to giue them leaue to vrge the extremitie, yet cannot that excuse them, nor free them from the danger of Gods law, which commands them to practise *Christian equitie and moderation.*

Now before we make an ende of this Publike Equitie, one point is necessarie to be handled in few words. Some may obiect, If moderation be intended, and included in our law, as well as Extremitie, *why then is extremitie onely mentioned in the law*, and *not this mitigation*, which they so much doe vrge vnto vs? The answer is readie. The law expresseth and vrgeth *the extremitie*, to fray men

men thereby, from comming within the danger of the extremitie; and concealeth the *mitigation*, least it should be an encouragement to offend: yet intending it as well as the extremitie, and leauing it in the hand of the Magistrate, to put in practise, when iust occasion is offered, as well as the extremitie. Herein appeareth the great wisdome of the lawmakers, our auncient forefathers, who well and wisely foresaw, that though *mitigation* be as necessarie as extremitie, and oftentimes more: yet because of the ill consciences of the most men, and the readines of all men to offend, thought it fitter to expresse *the extremitie* in plaine tearmes, thereby to keepe ill men within the compasse of obedience, and closely to leaue *the mitigation* to the discretion of the Magistrate. So then our lawegiuers concealed the mitigation, and expressed it not in their laws, in good pollicy, and to good purpose. If we therefore doe onely take *the extremity*, we take onely one part of their intent, and shew our selues vnwise, and shallow witted, who cannot see the wisedome, which they closely

closely concealed, in wise and Christian pollicie.

He is not worthie the name of a lawyer, at least of a Christian lawyer, much lesse worthie the place and seat of a Iudge, who knoweth not this. For if the law contained not both these, it were vnrighteous, and so no law. For *mitigation* is for the good man, and *extremitie* for the euill, the careless, and vnconscionable man: if there were no extremitie, how could the euil man be kept within compasse? and how should the poore honest man liue, if there were no mitigation? So then, it is warrantable by the word of God, and good conscience, that *extremitie* should be in force, and should stand by law, but so as it alwaies admit of *mitigation*, whē neede is.

Let therefore our conclusion be, to exhort euery man, into whose hands is put the execution of lawes, to shew himselfe as wise, in executing them, as were our forefathers in the making of them: that is, as well to regard *the Mitigation which is concealed, as the extremitie which is expressed*: so shall the

the lawmakers wise intent be performed, publike equitie preserued, and much Iniustice *and hard dealing preuented.*

Now in regard of this, that hath beene deliuered touching publike Equitie, lawyers must not thinke, that I haue gone beyond the compasse of my calling, and encroched vpon their liberties. For they are to know, that the laws of men, are policie, but Equitie is Christianitie. Now Christianitie was, before there were any laws of men: and therefore they must be ordered according to the rules of Christianitie. Againe, Diuines must take lawyers aduise, concerning *Extremitie*, and *the letter of the law*: good reason then that lawyers take the Diuines aduise, touching *equitie which is the intent of the law.* Moreouer, their law is but the minister of *equitie*; but our law *the word of God* is the fountaine of Equitie: therefore the principall rules of Equitie, must they fetch from our law: considering that law without *equitie*, is plaine tyrannie. Lastly, in the first Christian Commonwealth that euer was, namely, the Iewes, the Diuines, that is, the

Priests

Priests of those daies, were the onely lawyers: for their positiue lawes were the Iudiciall lawes, giuen by God himselfe, whose interpreters were the Priests and Leuites. If therefore, once the Diuines had so much to doe with positiue lawes, it may not nowe be thought amisse, if they giue aduice out of the word of God, touching the equall execution of the lawes of men.

And so much touching the doctrine of publike Equitie, grounded vpon the word of God.

Now followeth the second kind of Equitie, called *priuate*; namely that, which is to be exercised betwixt man and man, in their priuate actions.

But ere we goe further, some may demande the difference betwixt publike and priuate actions. Priuate actions of men are such, as are practised amongst men, without any helpe of the lawe: as contrariwise, Publike actions are such, as cannot be performed but by the helpe of the lawe, and the hand of the Magistrate. Wherevpon it followeth, that publike actions may be betwixt priuate

men,

men, and priuate actions betwixt publike persons: there is a publiknes and a priuatenes (as I may tearme it) both of men and actions. A man is priuate, vntill he be exalted vnto some authoritie, in Church or Commonwealth: then he is a publike person. An action is priuate, as long as it is begunne and handled betwixt two men, and needeth not the publike voice, nor censure of the law to determine it, and then it is publike. For example: a Magistrate may haue dealing with an other man, or two Magistrates together. If they determine it together betwixt themselues, it is a priuate action, because they doe it, not as they are Magistrates, but as they are men: and so there is a priuate action betwixt publike persons. So a priuate man no Magistrate, may haue a trespasse, a debt, a forfeiture, or any other action or demand against another man: wherein (because he cannot come to a reasonable and equall ende, by priuate meanes) he craues the helpe of the law, and the voice of the Magistrate: and so here is a publike actiõ betwixt priuate men. Now this vertue of Equitie respecteth not the

publiknes or priuatenes of the perſons, but of the actions: therefore as that is *Publike* Equitie, which is exerciſed in the determining of publike actions, which come to the iudgement of the law: ſo that is *Priuate* Equitie, which is practiſed in the managing of *Priuate* Actions, which are begun and concluded priuately betwixt man and man, and neuer come to publike hearing, nor triall of the law.

Now let vs come to ſearch more neerely into the nature of this vertue. *Priuate Equitie is a moderate, euen, and equall carriage of a mans ſelfe, in all his priuate wordes and deedes, towards all other men, and all their words and deedes.* Firſt, I ſay, it is [*a moderate carriage*] of a mans ſelfe, that is, betwixt both extreames, neither bearing all things, nor reuenging euery thing. Secondly, I ſay towards *all other men*: wherein I comprehend all men, & all ſorts of men: husbands, wiues: Magiſtrates, ſubiects: teachers, hearers: maſters, ſeruants: *Parents*, children: men, women, neighbours in townes, fellows in ſocieties, in ſeruice, in labour. In a word, none

are

are excepted, who any way doe liue or conuerſe together, but of them all it is true, that if there be not a moderation, and a forbearance one of another, there can be no peace amongſt them, but their liues ſhall be all (as it were) a hell vpon the earth.

Seeing therefore, the neceſsitie and excellencie of this vertue is ſuch, that the due practiſe of it is *the ornament of families, and ſocieties*, and the comfort of a mans life in this world; let vs enter into more particular conſideration thereof. Priuate Equitie hath foure degrees, or principall duties.

Firſt, to beare with naturall infirmities.

Secondly, to interpret doubtfull things in the better part.

Thirdly, to depart from our owne right ſometimes.

Fourthly, to forgiue priuate and perſonall wrongs.

Of all theſe briefly, and in order.

The firſt dutie of priuate Equitie, is *to beare with the defects and infirmities of mens natures*, with whome we liue, as long as they breake not out into any great incon-

uenience, or enormitie. Theſe infirmities are manifold: as for example: frowardnes or moroſitie of nature; haſtines; ſlownes of conceit; dulnes of wit; ſuſpitiouſnes; deſire of praiſe, and ſuch like. Theſe and many other naturall infirmities, muſt a Chriſtian man beare and tolerate patiently, in thoſe with whome he conuerſeth, as with his wife, his child, his ſeruant, his friend, his neighbour, &c. And ſo long muſt he beare with them, as they are kept within a meane, and breake not out into extremitie. Of theſe the holy Ghoſt ſpeaketh, Prou. 19. 31. *It is the glorie of a man to paſſe by an infirmitie*: that is, if he ſeeth in his brother weakeneſſes of nature, which doe not ariſe from ſetled malice, or cankred corruption, it is a mans glorie and praiſe, alwaies ſo farre to moderate himſelfe, as not to ſee them, nor to take notice of them, at leaſt not to be mooued, nor diſquieted at them: and oftentimes, ſo litle to regard them, as though they were not done. To this end ſaith the Apoſtle, 1. Cor. 13. *Loue ſuffereth all things*, that is, all things that may be borne with good conſcience, & are done

by

by them whome we loue. Now any thing may be borne with good conſcience, which is either ſo priuate, or ſo ſmall, that the wrōg is onely ours, and no diſhonour thereby enſueth to Gods glorie, nor ill example to the Church: all ſuch things loue ſuffereth. And indeede it is the propertie of true loue, to paſſe by many wants: and the more that a Chriſtian is rooted in true loue, the more infirmities will he paſſe by, in them whome he loues: he ſetteth no limits to himſelfe, how many or how long to beare, but euen all that are infirmities of nature: many hard words, many angrie fits, many needles ſurmiſes, many vnkindneſſes, will he put vp, and (as it were) not ſee them, whoſe heart is poſſeſſed with true loue, wiſdome, and the feare of God: and thus muſt euery one doe that will practiſe Chriſtian *equitie*. For this is a mans glorie, and commendation. Let vs lay this doctrine neerer to our conſciences, by cōſidering the nature of this vertue in ſome few examples.

A man hath a wife, or a woman a huſband, in whome there is the feare of God,

and honeſt and faithfull loue, but he or ſhee is ſubiect to anger or to haſtines, or to an auſteritie in their behauiours, or it may be it is not in their natures, to practiſe thoſe outward complemēts of kindnes, which others can doe with great facilitie. Theſe and ſuch like, are but weakneſſes of nature, in them that feare God: therefore muſt loue couer them and beare them, and oftentimes not take notice of them; and the rather, becauſe he or ſhee that hath not ſuch, hath either the like or greater weakneſſes, all which if one forbeare not in another, it is not poſsible to liue in peace and comfort. But if this part of Equitie were practiſed, it is ſcarce credible, how much it would augment the happines, and adde to the comfort of them, that are married.

Againe, a man hath a ſeruant carefull and willing ynough to obay and pleaſe his maſter, alſo truſtie and faithfull: but he is ſlow in his buſines, and doth not diſpatch things appointed him, to the minde of his maſter, not ſo ſpeedily, not ſo readily, nor with that facilitie, as his maſter requireth. What is to

be

to be done in this case: to see it, and alwaies to checke him for it, and to gall and gird him with it, and euer to be casting it in his teeth, and threatning him for it, *is the extremitie* which here the Apostle condemneth. The *Equitie* then in this case to bee performed, is, in consideration that it is not a fault of malice, but of nature, not of idlenesse, nor carelesnesse, but of a naturall weakenesse, the Master must gently tell him of it, and priuatly and seldome: and aduise him, what are the best helps for nature in this case. And though he see not that speedie amendment, which he desireth, yet is he to beare with him, as long as he is trustie, diligent, dutifull, and willing, and for those so many good properties, he must beare with his wants, and not be too sharp, either in reproouing, or in correcting him for them.

In the the third place: A man hath occasion, to confer often with another man, by reason that they are neighbours, or speciall friends, or of the same calling, and course of life: but one of them is hastie, and soone angrie, and it may be in his talke, either for the

matter or the manner of it, he cannot but shewe his anger. Extremitie in this case is, for a man to deale roughly with him, to contradict and crosse him, to denie what he saith, to stand stifly to our our owne opinion, & to be angrie againe with him.

But on the other side, Christian Equitie teacheth a man not to see it, nor take notice of it, nor to be angrie againe, nor to checke him for it; but to put it off by gentle words, soft demaundes, and other talke: and to yeild to him, as farre as a man may doe, in good conscience, without betraying of the trueth. And by the way, in conference hold it alwaies for a rule of Christian wisedome, and priuate Equitie, neuer to sticke stiffely to any opinion, vnlesse it be in a plaine trueth, and of great moment. Now thus doing to our brother, and sparing his weaknes, and continuing on our speech, as though we sawe not that he was angrie: hereby the conference holds on, and loue is continued as afore. But if contrariwise, we take the aduantage of his infirmitie, and display it, and rub him for it, if we be as short as he, and stand stifely vpon

points,

points, then the conference is broken off without edification, and heart-burning riseth betwixt them, in stead of true loue. Thus we see in these examples, how in a Christian moderation, we are to beare, and to forbeare the naturall weakenesses of our brethren, if we purpose to liue in any comfort with them in this world.

Yet this forbearance must be with two conditions. First, that these wants be wants of nature, not of malice, nor of old, rooted, setled, and cankred corruption. Secondly, if they whome wee forbeare, containe thēselues within conuenient bonds, and doe not exceede, nor breake out into any outrage, or extremitie: for then they are not to be forborne, but to be tolde, and reprooued for them, and a mans dutie is not to winke at them, but to take notice of them, and to shewe open dislike of them. But in as much as these are wants of nature, as it is infirmitie in the one to shewe them, so it is the glorie and praise of the other, to pardon them: yea it is a token of wisedome, and good gouernment, and a signe that a man is a louer of peace,

peace, and consequently of religion, and of God himselfe, to passe by them. The practise of this dutie, maintaines peace in kingdoms, countries, states, cities, colledges, families, and all societies of men. Thus much for the first dutie.

The secõd dutie of priuate equity is, to *construe & interpret mẽs sayings that are doubtfull, in the better part*, if possibly it may be: this is to be vnderstood of all men, though they be our enemies: and this must a man do, if he will liue in peace in this world.

Our nature is giuen to take men at the worst, to depraue mens deeds and words, & to peruert them to the worst sense, that may be: and this is commonly the cause of debate and dissention in the world.

But the dutie of Christian Equitie is contrary hereunto; namely, to thinke the best they can of all men, to construe all doubtfull actions in the better part, and to make the best sense of all doubtfull speeches, if we haue any probable reason to induce vs to it. The Apostle makes this the propertie of loue. 1. Cor. 13. *Loue thinks not euill*, that is, not one-

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ſy then, when there is manifeſt and good cauſe to thinke well, but when it is doubtful, if it may by any meanes haue a good meaning, if by any means, it may be well thought of, loue will make a man thinke well of it: & the more ſpecially a man loues another, the more equally, indifferently, and Chriſtianly, will he interpret all his ſayings and doings. The want of this dutie, and the practiſe of the contrarie, is the cauſe of more troubles, tumults, garboiles, fallings out, and heartburnings, in kingdomes, countries, ſocieties, and families, betwixt man and man, then any one thing in the world beſides. Dealing thus with the wordes of Chriſt coſt him his life: for when Chriſt ſaid, *Deſtroy this temple & I will build it in three daies*, they interpreted it of the temple of Ieruſalem, when as he meant of the temple of his bodie. And the wrong and ſiniſter interpretation of Dauids ambaſſage, by his neighbour king Hanun, was the cauſe of that great war betwixt two mightie kingdomes, the Iſraelites, and the Amonites, which coſt ſo many thouſands their liues. For when Dauid ſent Embaſſadours

dours to comfort him after his fathers death, he and his wicked counsellers interpreted it, that he sent spies, and intelligencers, to find out the weaknesse of the land. It cannot be spoken, what broiles, hurliburlies and confusions in kingdomes, what contentions in common-wealthes, what factions and diuisions in colledges & societies; what disquietnesse in families, what vnkindnesse and falling out amongest old friends, and what separation euen amongest them that should be neerest, are daily in the world, by reason of this sinister interpretation of mens words and deeds. We therefore that doe professe our selues the children of peace, must learne to make conscience of this, the due practise whereof, is the conseruation of peace.

And further in this durie, one thing more is to be remembred, namely, that we must not giue too sharpe a censure, euen of the open and manifest euill sayings, or doings of our brother: we must not iudge them to be done carelesly, when it may be they are done ignorantly: nor deliberately, when it may be they are done rashly: nor presumptuously,

tuously, when it may be they are done vpon infirmitie: nor to be done vpon hatred or malice to vs, when it may be they are done for an other cause: nor may we iudge an euill thing, to be done for want of conscience, when it may be, it is done for want of heedfulnesse: but alwaies we must remember, to make the best we can, euen of another mans infirmities. And as, if our brother doe well, we are to acknowledge it, and commend him for it: So if he doe amisse, we must not make it worse then it is.

But the world is farre too blame herein: for they can extoll their owne well-doing, and twentie waies excuse their euill doing: but as for other men, they can debase their well doing, and aduance their euill doing; nay it is a common thing, to make a badde man worse then he is, and to speake of an euill action, and of mens faults worse then they are; yea to speake worse, euen of ill men then they deserue. But it is flat Iniustice, not onely to speake euill of that that is good, but euen to make an euill thing worse then it is. Many cases there are, wherein a man

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is bound, to make the beſt he can, of a bad action: but to make it worſe then it is, there is no caſe, wherein a man may doe it, without plaine iniurie to his brother. If any man replie, and ſay, I am not to ſpare my ſelfe, nor excuſe my owne faults, but to iudge as hardly of my owne ſayings and doings, as they deſerue, why then ſhould I not alſo doe ſo to another? The anſwer is readie. Becauſe a man knoweth not another man, ſo well as himſelfe. Words and deedes are knowne to other men, but a mans heart is knowne to himſelfe alone: therefore for thy owne ſayings and doings, thou art alſo able to iudge of thine owne heart, and of thy purpoſe and intent in ſo ſpeaking and doing: but of another mā, thou canſt ſay he ſpake or did thus or thus: but his heart, his purpoſe, & intēt in ſo doing, thou canſt not iudge: & therefore thou maiſt not iudge ſo ſharpely of another mans ſayings and doings, as of thine owne. To make an ende of this point: in the performance of this dutie, two cautions muſt be remembred: firſt, that we ſpeake not of continued courſes, in doing or ſpeaking

king euill, but of particular ſpeeches and actions: for not an action or a ſpeech, but the courſe of life ſhewes what a man is: one euill ſpeach or action may be excuſed, but a continued courſe in doing or ſpeaking euill, may be by no meanes coloured or excuſed. Secondly, we ſpeake not of manifeſt & publike enormities, as of treaſons againſt the Prince or ſtate: for therein it may be dangerous to the Prince, and hurtfull to the ſtate, to haue any thing coloured, concealed, or excuſed. In ſuch caſes, we muſt ſet aſide our dutie to our brother, and remember our dutie to the head and whole bodie: and better it is, that one member be cut off, then that the whole bodie periſh: but we ſpeake of priuate euill words or deeds, the euill and hurt whereof redoundeth to priuate men. And in them we ſpeake not of manifeſt, groſſe, and palpable crimes, wherein not only the action is plainely euill, but the intent alſo: for to excuſe or conceale, or to extenuate ſuch, is to make our ſelues acceſſarie to the euill of them. But we ſpeake of doubtfull words or deeds, wherein either the action

it selfe, or at the least, the intent of it, may receiue a likely excuse, and a probable interpretation of good.

And vnto these two cautions, adde thus much further, that the practise of this dutie, for the most part ceaseth, when the Minister is to worke vpon the conscience of an impenitent or a presumptuous sinner: for then he is not to moderate or mitigate, to colour or excuse, to lessen or extenuate his sinnes, but to speake of sinne as it deserues, and to lay out his sinnes in their owne colours, that so he may humble him, and cast him downe.

But out of these three cases, this dutie lieth vpon all men, at all times to interpret euery thing in the better part. So then the conclusion of this second dutie is this: Actions apparently good, are to be commended, doubtfull are to be construed in the best sense, apparently euill are to be made no worse then they are, but rather to be excused, and let a man alwaies rather speake too well, then too euill of another man, & rather speake better, then worse then he de-

deserues and rather iudge too mildlie and mercifully then too sharply: for if a man be deceaued either waie, that is the safer waie wherein to be deceiued: Thus to do, is to performe that Christian equitie which is here commanded, and to maintaine peace which is the comfort of a Christian life. And thus much of the 2. dutie.

The third dutie and degree of Priuate Equitie is, *In sundry cases to depart from a mans owne right*: that is to yeild oftentimes in such things, wherein by lawe he might stand; and oftentimes to forgoe such things, which by law he might require. Without this Equitie, Iustice and peace cannot stand. Christ our sauiour, gaue a notable example hereof in paying toll: Math. 17. 27. Christ needed not to haue done it, nor could any lawe haue compelled him to it, yet because he would not trouble the publick peace, nor giue them occasion of contention, he yeilds from his right and paies them toll: al Christian men must learne by his example, not to stand alwaies vpon their right, if they will continue peace in the Church of God. It is

not ſufficient in Chriſtianitie, nay it is a very wicked ſpeach, which we often heare men ſpeake. *It is my right and therefore I will not looſe it*: ſo might Chriſt haue ſaid, and if you looke the place, you ſhall find, that he firſt of all argueth the caſe, and concludes that he is free, and not bound to paie, and yet ſaith Chriſt, *rather then I will offend them, or giue them cauſe to thinck worſe of me, or my doctrine I will paie it*. Euen ſo muſt a Chriſtan man, in many caſes go from his right, and that for the maintenance of publick peace in the common wealth, and of priuat peace one man with another.

For the maintenance of publick peace, thus muſt men do in Publick Conferences, as in Parlaments and Counſels, and ſuch like generall aſſemblies: wherein the ſeuerall opinions of men are to be deliuered, and thus muſt men doe in bonds, forfeitures, borrowing, lending, looſing, finding, buying, ſelling, in leaſes, fines, rents, and all manner of bargaines.

And for the maintenance of priuate peace, men muſt in their moſt priuate actions, one

yeild

yeild to another in such things, wherein they might stand, and oftentimes be contented to loose that, that is their owne; and in conferences must a man oftentimes, suffer himselfe to be crossed and ouerthwarted in that, of which he is most certaine, and to grant that to be, which is not, and that not to be which he knowes to be; if the matter be of small moment, and concerne not religion nor the state: many such things must a Christian man put vp daily, at the hands of his brother, for the maintenance of peace and loue amongst them. This is a doctrine little knowne, and lesse regarded in the world, for its a generall opinion that a man may take his owne, and may lawfully stand vpon his owne right, (which if it be ment generally in all cases, is most false) nay this is a commõ speach of all men, *I demaund but my right, and I will not loose my right*, and this is thought a reasonable speach, and he is esteemed a good man, who takes no more then his right: for oftentimes men stand so strictly vpon their right, that they go further then their right reacheth. But this is a very car-

nall practise, and controlled by the Scripture, and by the example of Christ, as we heard afore. But if any man obiect, that the example of Christ is not to binde vs, because he is the Mediatour, and therefore was to performe extraordinary obedience? I then answer, that not onely Christ, but other holy men, haue practised this duty, for he payeth toll not only for himselfe, but for Peter also. And there is a notable example of this dutie in Abraham, who when his brother Lot and his sheapheards could not agree, was content to depart from his right: for whereas he beeing the elder, might haue chosen first, he notwithstanding, stands not vpon that, but bids his brother Lot choose whether he will, and he will take what he leaueth. A most equall, Christian, brotherly part of that holy Abraham, whose faith is so much commended in the Scriptures. If we therefore will be called the children of Abraham, then must we be followers of him in his workes, and namely in this, we must oftentimes depart from our owne right.

In the practise of this dutie, one caution onely

onely must be remembred, namely, *that we must distinguish of anothers right and our owne. In thy owne right* thou maiest yeild, but when thou art to deale for another man, thou must not yeild too much, nor be too lauish of another mans right: but this caution holdeth especially, whē the cause is not ours, but Gods, or his churches, for when it is such a trueth, which directly concerneth the honour of God, or the good of his Church, thē must a man take heed he yeild not, without warrant from Gods word. For as it is equitie, often to yeilde thy right, so to yeilde in Gods causes, is to betray the trueth. If therefore thou maiest not giue another mans right frō him, without his cōsent, much lesse maiest thou without warrant from God, yeild any thing at all of his right from him. This dutie therefore is to be performed in actions that concerne our selues, and wherein the losse is not Gods, or his churches, but our own. But it is lamentable to see many men, howe lauish they are in giuing from God, and care not how much they loose of his glorie: but stand most strictly vpon their

owne points, and will not yeild one inch, nor looſe one foote of their owne right. And from hence come ſo many ſuites in law, and other brabling contentions in the world, all which, or many of them, might be ſtaied, if men had but conſciẽce to practiſe this Chriſtian Equitie, to yeild one to another, in matters of their owne, and of ſmall moment: & it is certaine, that if men in the world were not perſwaded, ſome by religion and conſcience, ſome by naturall reaſon, and pollicie, to practiſe this dutie, it were not poſsible for the ſocietie of men long to continue vpon the earth. So much for the third degree.

The fourth and laſt degree of Priuate Equitie, is *to forbeare and to forgiue wrongs and iniuries* done vnto vs in word or deed. The ſcripture is plaine for this, and ſo is naturall reaſon, which teacheth, that euery one that beares the name of a man, ſhould forgiue another, becauſe he beeing a man, may deſerue and ſtand in neede of the ſame himſelfe, and therefore is to doe as he would be done vnto: But eſpecially a Chriſtian man, who lookes for forgiueneſſe at Gods hand,

for

for his owne sinnes, must needs forgiue his brother. So that to a Christian man, there is a double bond or reason, to tie him to this dutie. One is, as he is a man, therefore must he forgiue him that offends him, that so another man may also forgiue him, when he offendeth. For there is none, but beeing a man, and liuing amongest men, he must needs offend. Another more forcible reason is, as he is Christian, therefore must he forgiue, because else, how can he in reason demaund or praie for forgiuenesse at Gods hand for many thousand offences of his owyne, and those exceeding great, when another man cannot obtaine forgiuenesse at his hands, for a fewe small offences. This dutie is of greater necessitie then all the former: for vpon the practise of this, depends the preseruation of peace: but where this is not practised, there is no religion, no conscience, nor saluation: for where there is no forgiuing of another man, that man is not forgiuen at Gods hands. And he whose sinnes are not in Christ forgiuen, and taken away, that man is in the state of damnation, and till he be forgiuen, he can neuer

be saued: but he can neuer be forgiuen, till he forgiue his brother: and so it is plaine, that euen saluation it selfe, in some sort, depends vpon the practise of this dutie, yet not as a cause, but as a signe, or an effect of saluation. For this is not true, that euery one who forgiues is forgiuen of God, but this is true, that whosoeuer is forgiuen of God, will forgiue his brother. So then, neither in reason, nor in religion, can a man looke for forgiuenesse himselfe, vnlesse he make conscience to forgiue another. Yea God hath made euery man a Iudge in this case, to condemne himselfe, if he doe it not, when he praieth euery day, that God would forgiue him euen so, as he doth forgiue others.

Yet in this dutie of forgiuing outward injuries, two cautions are to be remembred 1. That there is a time, when a man is not to forbeare and suffer, but may stand vpon his guard, and defend himselfe from the iniurie: and that is, when his life is indangered, as when a man is assaulted by a theife, or by his deadly enemie, who seekes his life, and can haue no helpe, he is in that case to helpe himselfe,

selfe, when he must either kill or be killed, then reason and religion biddes him defend himselfe: & being in that case, that a man cannot haue the Magistrates helpe, that beares the sword for his defence, Gods puts for that time the sword, into a mans owne hand, and makes him a Magistrate for that time, and occasion. For in cases of such extremitie, god allowes euery man to be a Magistrate, not onely to defend himselfe, but euen to kill his enemie, if it be impossible, any way els to saue his owne life: and this defence of a mans selfe, hinders not the dutie of forgiuing, for so farre must a man forbeare and forgiue, that he be sure to defend his owne life.

In the second place, though a man forgiue the Iniurie and wrong done vnto him, yet may he safely in some cases, goe to lawe for recompence of that wrong. It is a deuilish opinion in the world, that a man cannot goe to lawe, and be in charitie: we must knowe, that a man may goe to law, & yet be in charitie: for to forgiue the malice, and to sue for recompence are things indifferent; It is not so much charitie, to forbeare the recompence,

pence, as it is to forgiue the malice. If therefore a man forgiue not the malice, he is out of charitie, but he may sue for satisfaction, and be in charitie. The scripture forbids not mens going to lawe, but tels them how they should doe it: lawe is not euill, though contentious men, and vnconscionable lawyers, haue vilely abused it: but it Gods ordinance, and may lawefully be vsed, so it be on this manner.

First, it must not be for euery trifle, euery trespas, euery ill worde; but in these cases, a man is both to forgiue the malice, and to remit the recompence, because he is little or nothing at all hurt by it. For example, A poore man steales a little meat from thee in his hunger, let the law take hould on him, but pursue thou him no more for it, then by the law thou needs must. Againe thy neighbours cattell doth trespasse thee, thou must not go to lawe for it, the malice be it more or lesse, thou must forgiue in Christianitie & for conscience sake, and the damage is so small, as that therefore thou maist not go to lawe for it. For the lawe is abused, in beeing executed

executed vpon trifles, and those lawyers shame themselues, and dishonour their profession, who are willing that euery trespasse of sixpence damages be an accion in the law; this is one of the causes of the base and vile names, that are giuen to the lawe and lawyers in these daies, because the law is imployed vpon sueh trifles. And it is to be wished, that the supreme Magistrate would take order to restrain this generall euil: that contentious men & vnconscionable lawyers might not conspire together, to pester the law with these trifles: and though men be so vnconscionable, as to run to the law for euery trespasse, yet should lawyers be so conscionable and so wise, as they should driue them from the law againe. Thirdly, thy neighbour giues the ill woords, raiseth or carrieth euill tales of thee: *Equitie is*, not to go to law for euery euill woord, but to consider that for the malice, thou art to forgiue it, and for the damage it cannot be great, because many mens tongues are no slander, neither art thou any thing worse for it, especially when he dare not stand to that he hath said, as for the

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moſt part they do not.

The ſecond caution in going to law, is that it muſt not be the firſt but the laſt meanes of peace. Law is a kind of warr, as therefore warr is to be the laſt meanes of publick peace, ſo ſhould the law be the laſt meanes to be vſed, for the attaining of priuat peace. All meanes muſt be tried, ere thou goe to lawe, and if none will ſerue, then is the law ordained for thee, whereby to recouer thy right and to maintaine equitie, for as to go to law for a trifle, or at the firſt, *is extremitie*, and ſo Iniury: ſo to go to the lawe, for a cauſe ſufficient, and after other meanes vſed in vaine, is Iuſtice and equitie, and no extremitie.

Here therefore let all Chriſtians learne, how to go to law: and the rather I do vrge this point, becauſe the law is notoriouſly abuſed: and it is almoſt incredible, what infinit ſommes and maſſes of money, are daily ſpent in it moſt vnneceſſarily: inſomuch as the lawyers do exceed in welth, any other ſort or calling of men in this whole realme.

For reformation whereof, let men but learne,

learne, and practise the two former rules: 1. lawe is not ordained to be a Iudge of euery trifle: It is a shame to our lawe that men be suffered in the common wealth to arreast each other for debts of small value, so as tenne times, and otherwhiles twenty times as much is spent, for the recouery of them as the principal is. Are not we a Christian commonwealth? why then haue we not the wisdome to appoint another, an easier, and a directer waie for the recouery of such debts, and if there be no other way, why doth not a Christian man stay for it, or loose it rather then goe to law for it? It is a shame for our nation, that there should be at one Assises ouer England, so many hundreth actions of trespasses, wherein the dammage is little or nothing. To reforme these is a worke worthie of a Prince, and euery man should put to his helping-hand to it.

Secondly, let law be thy last remedie. This rule controlls another foule misorder in our land. Men are sued, when they would gladly compound: when they would willingly satisfie by priuate order, they are compelled

to answer by law. And yet there is a worse thing then this: the law which should be the last, is not onely made the first meanes, but whereas it should be open and publike, it is vsed as a close & secret meanes: it steales vpon men(as the phrase is.) For men are sued afore they know,and great charges come vpon them, ere they are told of it, by them that sue them. Is this equitie? yea is it not rather extremitie? And yet (alas)how commō is it in most places. Let therefore euery Christian man, remember his lesson here taught by the Apostle, *Let your equitie be knowne to all men.* But it seemes then, will some say, that men may not goe to lawe. I answer,thou maiest goe to lawe,though not for trifles,yet for things of waight, as for the pursuit of a notorious theife, to his due and iust triall:for the title of thy lands: for the recouerie of thy iust and due debts of value: and of thy childs portion: for the making straight of great accounts,for the triall of thy good name, when thou art so slaundered, and by such, as that thy credit is publikely indangered: for these and such like causes,

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thou maiest goe to law, whē by other more easie meanes, thou canst not procure a reasonable satisfaction. For then it is vnlawfull to sue for the greatest cause in the world.

The trueth of all this doctrine doeth Paul teach the Corinths, whome he reproueth of three faults. 1. that they went to lawe before heathē Iudges. 2. for euery cause. 3. they vsed no priuate meanes of satisfaction, but ranne to the lawe at the first.

The first of these cannot be our sinne, for we haue no heathen Iudges, in as much as our state and gouernment, by the mercie of God is not heathenish, but we haue a Christian commonwealth. But the other two are the generall sores of this land; let vs therefore labour to heale them and to couer our shame: let vs remember that *not extremitie but Equitie* becomes a christian; and let euery man take heed of this, as he would be knowne to be a Christian: for the knowne badge of Christianitie is mercifullnes: the more mercifull the better Christian. For he hath tasted deeper of Gods mercies to himselfe, and therefore he is mercifull to

his

his brother, and the worse Christian, the lesse mercifull, for he neuer felt Gods mercies to himselfe, therefore he cannot be mercifull to his brother. Now to go to law for euery trifle, or to steale lawe vpon thy brother, or to sue him before thou offer him peace, it argueth a hard hart and vnmerciful, and farr from this dutie of forgiuing: but to be loath to go to lawe, and to put it of as long as may be, and first to giue warning, and to offer peace, and not to doe it, but in matters of weight, it argueth a mercifull heart, and such a one as is readie to forgiue, and such a one in whome the spirit of God doth dwell.

And thus I hope I haue opened this dutie of forgiuing, and forbearing, in such sort; as a Christian may see how to practise it, with comfort to his conscience, also without any great losse in this world, or hurt to his estate.

And thus much for the foure seuerall duduties and degrees of *Priuate* Equitie.

Now hauing opened the nature & kinds of Christian Equitie, let vs proceede further in the text. *Let your Equitie* (saith the Apo-

stle)

stle) *be knowne to all men*. The words import; that it is our dutie, not onely to knowe this vertue and the nature of it, and to be able to talke of it, but in all our affaires publike and priuate, and in all our dealings with men, so to put it in practise, that men may see it, and that it may be *knowne* to other men: and that they may be able to auouch for vs; that our dealing is vpright, equall, and indifferent, ioyned with equitie and moderation, and free from extremitie and oppression: this is the meaning of that which we are here cõmanded by the Apostle. And the reason why the Apostle vrgeth vs to make it known, is, because there is a priuie hypocrisie in our natures, whereby we are giuen to make shew of more then is in vs. Against which vice we doe truely labour, when we labour to make our vertues manifest and knowne to the world, that so the tree may be knowne by his fruites: he is a holy and religious man, not who knoweth, and can talke well, but he whose religion and holinesse is knowne in the world, and seene of men: he is a mercifull man, of whose mercie men doe taste: So

he is an equal & vpright mā, whoſe Equitie is felt, & found by thē who deale with him. Let therefore our actions with men, teſtifie the vertues of our heart, that mē who liue with vs, and deale with vs, may be able to ſay for vs, that we are poſſeſſed with thoſe vertues: for this is to be truly good, not when a man can ſpeake well, or tell of his owne goodnes, but when other men ſee it, feele it, and ſpeake of it.

Hitherto of the meaning of the words.

Nowe that which was Pauls exhortation to the Philippians, ſhall be mine to all true Chriſtians: *Let your equitie be knowne to all men.* You haue learned what it is, and howe it is to be practiſed: it nowe remaines, that we content not our ſelues, with the bare knowledge, but take notice of it, as of a doctrine belonging to vs, and put it in practiſe all our dealings, publike and priuate, yea and make it manifeſt to the conſciences of all men, good and bad: ſo that euery man, with whome we deale, may taſte and feele of our equitie, and be able to teſtifie of vs, that equitie beares rule in all our actions: thus if we doe,

doe, we are Christians not in name, and profession onely, but in deed and truth.

And to perswade vs all to this holy duty, let vs vse some fewe reasons to inforce it: and amongst all the reasons that might be brought, there is none better, then this here vsed in the text (*The Lord is at hand.*)

But before we come to speake of it, let vs consider of one other, which doth most naturally enforce this exhortation: and it is this.

God sheweth most admirable Equitie and moderation towards vs, therefore ought we to shew it, one towards another: It is the reason of the holy Ghost, *Be yee mercifull, as your heauenly father is mercifull.* Wonderfull is the moderation, that God sheweth to man, & it appears especially in foure things, whereof two belong to all men, and the other two concerne his Church.

The first Action of God, wherein he sheweth great moderation towards all men, is this. A lawe was giuen to our first parents, *Eate not of this tree, if you doe, you die for it:* and that a double death, both of body and

ſoule. But they ate and ſo brake the lawe, and thereby did vndergoe the penaltie annexed: by force and vertue whereof, they ſhould haue died preſently, the death both of bodie and ſoule, and this had beene no Extremitie but Iuſtice, for this was due vnto them by the Iuſtice of that lawe, which was giuen them. But nowe, behold Gods Equitie, and moderation of the Iuſtice of that lawe, he ſtrooke them not preſently, as the tenour of the lawe, and their deſert required, neither with the firſt nor ſecond death, but deferres the full execution, laying vpon them (for the preſent) a leſſe puniſhment, namely a ſubiection to the firſt death, and a guiltineſſe of the ſecond, that is, of damnation. Beholde a marueilous mitigation: by the tenour of that law, their bodies and ſoules ſhould both haue preſently died, and beene caſt into hell, but God in mercie ſuſpends and deferres the execution of it, and onely ſtrikes Adams body with mortalitie, whereby he was ſubiect to the firſt death, and his ſoule with guiltineſſe, whereby he was ſubiect to the ſecond death: by which mitigation it came to paſſe, that

that as Adam by his repentance, afterward quite escaped the second death, so he tasted not of the first death till nine hundred yeares after. If a prisoner counts it a mercifull fauour of the Prince, or the Iudge, when after his iudgement to die, he is repriued but one yeare, then what a mercifull mitigation was this in God, to repriue our first parents for so many hundred yeares? This was the first action of Gods mercie to man, and this concernes all mankinde generally, but especially Adam and Eve.

But the second doeth more neerely concerne all men. So soone as man commits any sinne, euen then is he guiltie of eternall damnation, because he hath broken the law: for the curse of the lawe, is not onely a guiltinesse, but a subiection to the wrath of god, presently to be inflicted vpon the sinne committed, without any intermission: so that so oft as a man sinneth, so oft doth he deserue to be plunged soule and body into hel, without beeing spared one houre. If therefore the Lord did cast ten thousand into hell in one houre, he did but Iustice, for so the lawe re-

quireth: but see the mercifull moderation of the Lord: thogh we deserue euery houre to be cast into hell, yet is euery houre and minute of our liues, full of the mercie and moderation of the Lord: so as though our sinnes crie for damnation presently, yet God staieth his hand, and doeth not execute the sentence of damnation vpon the sinner, instantly after his sinne, no not in one of ten thousand, but spareth euery man many yeares, some more, some lesse, but all more then their sinnes deserue, or the lawe requireth. We often reade, and alwaies finde, that God heares the crie of sinners: but we seldome reade, that God heares the crie of sinne, for if he alwaies heard it, when sin cries for vengeance to him, he should turne vs all into hell in one houre; this is a wonderfull patience and moderation in God, and yet behold a greater.

For whereas we by our sinnes, doe euery houre plunge our selues into hell, as a man that violently castes himselfe into a gaping gulfe: see Gods wonderfull mercie, we thrust our selues in, and he puts vs backe: he staieth

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vs with his own hand, and ſo keepes vs out. See what a ſea of mercies the Lord doth power vpon man: for how can that but be an infinite ſea of mercies, which is ſhewed to ſo many thouſands of men, ſo many thouſand times in one houre. If his mercie did not moderate the extremitie of his lawe, there ſhould not be one man left vpon earth, but all in one houre caſt into hell: but God ſtaieth his Iuſtice, and ſtaieth his lawe, yea ſtayeth vs, who our ſelues would execute the law vpon our ſelues and ſo caſt our ſelues into hell, hee keepes vs out and giues vnto vs a longer time to repent. And this is true in all men: to ſome, he giues longer, to ſome ſhorter, but to euery one ſome, where as the law giues not one houre to any man, nay the law is ſo far from giuing time to repent, that it admits no repentance at all, no though a man ſhould ſinne but once, and inſtantly after that one ſinne, humble himſelfe in repentãce and craue fogiuenes, the law will not accept him to fauour, nor yeild forgiuenes, nor allowe his repentance: for the law can do nothing but this: either iuſtifie and reward

him that fulfils it, or condemne and punish him that breakes it, further then this the law by it selfe goeth not.

It is the gospell which commandeth vs, & teacheth vs to beleeue and repent; and to the Gospell are we beholding for accepting our repentance, which the law would neuer doe: which indeede is so farre from accepting repentance, as it neuer intendeth nor aimeth at repentance directly in it selfe: and therefore in it selfe, it is worthily called *the ministerie of condemnation*. So then behold a most straight law, and a most mercifull God: so straight a law, as (if that mercy were not) it would neuer giue vs one houre to repent in, nor receiue vs to fauour though we repented presently, but presently vpon our sinne cast vs into hell. O therefore taste and see how good and gratious the Lord is: the law cannot haue his extremitie, nor the deuill his will vpon vs, who is the layler of the law; and is malitious, though the law be iust: and so by the extremitie of the Iustice of the one, & the extremitie of the mallice of the other, no man should liue one houre in the world,

world, were it not for the wonderfull mercie and mittigation of God, who contrary to the course of the law, both accepteth men when they repent, and giues also time to repent, and thus hath God done, as in the beginning with Adam, so in all ages: To the old world, after many preachers sent, and many hundred yeares patience, and many thousands of sinnes ripe for vengeance, yet God giues 120. yeares more: O how many millions of sinnes did they commit against him in that time? and yet had they repented at the last, they had beene saued, but all was in vaine, and therefore in the end God sent a flood, and swept them all away. Euen so, and more patiently hath God suffered vs, in these latter daies. But how comes it to passe then, will some say, that we haue not a flood as well as they? Surely becausse his mercie was great to them, but wonderfull to vs, we are as euill as they, yea if we iudge aright, and consider duely all circumstances, our sinnes are farre more, yea farre more hainous then theirs were: so that we deserue a flood tenne times more then they did, and if God deale

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but iuſtly with vs, where he brought one vpon them, he ſhould bring and hundred on vs: and if Iuſtice bare the ſway, ſhe ſhould vs ſweepe away, one generation after another, with a continuall flood. But marke the moderation of God, more to vs then to them, who deſerue worſe then they. He gaue vs not an hundred and twentie, but many hundreth yeares, and brings no floods of Iudgements, but ſpares vs from yeare to yeare, and from age to age, that ſo we may either repent and eſcape hell: or when our time is come, drowne our ſelues in damnation, and ſo be the principall cauſe of our owne deſtruction.

It may not vnfitly be noted in this place, that ſometime God may be ſaid to caſt a mã into hell, and ſometime man himſelfe. God throwes a man into hell, when for ſome monſtrous and contagious ſinne, he takes away a wicked man in the midſt of his wickedneſſe, by ſome ſuddaine Iudgement, and ſo ſends him to hel. But a man plungeth himſelfe into hell, when God giues him leaue to liue, and libertie and time to repent, but he con-

continueth carelesly in his sinnes till he die, and so casteth himselfe violently into damnation. Nowe such is the mercifull moderation of God, that for one man whome he casts into hell (as he did Iudas presently vpon his sinne) a hundred wicked men cast themselues into hell, abusing that time and libertie, which he gaue them to repent in, and so bringing vpon themselues swift damnation. Let euery man therefore euery day of his life, when he considereth the thousands of sinnes that are committed that day, and seeth no flood of water, fire nor brimstone to come vpon vs, let him wonder at gods mercie, and say with the Prophet, *It is the Lords mercie that we are not consumed*. Furthermore, this moderation of God to all men, hath another branch. Euery mans ill conscience is to him like the fire of hell, and doubtlesse the torment of conscience, is a part of the very reall torment of hell: now if euery man had but Iustice, he should feele presently after euery sinne, the very torment of hell, namely the sting and torment of a guiltie accusing conscience: but see the mercie & moderation

deration of God, he inflicts it not presently, but onely giues the sinner a pricke, or a little pang (as it were) when he hath sinned, but the raging furie of the conscience, (which is the greatest hell that is vpon earth) he deferres till the houre of death, or the day of Iudgement. When therefore thou hast done euill, and feelest a pricke in thy conscience, and a cheeke, but no more, remember that euen then, if God did not moderate his Iustice, thou shouldest feele the extreame horrour of thy conscience, which would ouerwhelm thee as a burden, which is to heauie for thee to beare.

Thus then we see the marueilous mercy of God: wicked men are his sworne enemies, for sinne is that which offends him aboue all things in the world, yet so great is his mercy, and so large is his moderation, that euen his enemies tast of it euery day and houre.

Thus much of Gods Equitie and moderation to all men.

Now secondly, this moderate & mild dealing of the Lord, is more speciall to his Church and children: and that also shewes it

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selfe in two actiõs. First of al, Iustice requireth that euery mã should pay his debt: & cõmon reason tells vs, that words & promises cannot passe for paiment, but due debt must be satisfied. Now euery Christian man is in a great debt to God: that debt is *obedience to his lawe*, for Christ came to saue vs from the rigour of the lawe, not to free vs from obedience to it: but how doe we pay that debt? euen as he doth, who oweth ten thousand pounds, and craueth to pay it by a penny a yeare, for so we owing perfect obedience in thought, word, and deed, and also puritie of nature, the root of all: we (I meane the best & holiest mẽ of all) haue nothing to tẽder to God, but a fewe good desires and grones of the heart, and a seely poore endeauour: all which is vnto that which the law requireth, like vnto one penny to ten thousand pound. Yet behold the mercie of God and his compassion to his children: these our desires, and that our indeauour comming from the truth of our hearts, doth he accept for perfect payment, and that man who hath an heart fearing God, and a care and desire to please god

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in all things, and in his place and calling endeuoureth it accordingly, is the man, whome God loues, and embraceth in the armes of his mercie, though he be far frō that, which in debt and dutie he oweth to God. Thus doth God testifie of himselfe in Malachie: *I will spare you, euen as a father spareth his owne sonne that serueth him*. Now wee knowe there is no sparing, nor forbearance like vnto that. A father bids his little sonne do this or that, which is farre aboue his strength, the child not cōsidering the difficultie, but looking only at his dutie, and desiring not only to please his father, goeth about it, and doth his best, and yet when all is done, he can do nothing to it at all: now the father reioyceth in this willing obedience of his sonne, and approoueth in his child the will and indeauour, though he cannot doe the thing he bids him. Euen so doeth the Lord spare his children; he commaundeth vs to keepe his lawe, and it is no more then our dutie, which notwithstanding of our selues we can doe no more, then a little child is able to carrie a milstone: yet if we willingly goe,

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when God commaunds vs, and doe our indeauour, and all we can, and grone vnder the burden, and desire to doe more, this our desire and indeauour, proceeding from faith, & from a son-like willingnesse, doth the Lord accept for the perfect deede. This is no small moderation, but great and wonderfull: For whereas we owe perfect obedience, and he might iustly challenge it, and for want of it, make vs pay it with soule and all, he is is cõtent to take a will, a desire and indeauour, which is all we can, and is in effect nothing at all. In this world, that man would be extolled for his mercie, who will take of his debter a penny a weeke, who oweth him 100. pound: or that takes all he can pay, and accepts his good minde for the rest: Oh then howe mercifull is our God, who for so great offences, and so huge a debt, as ours is to his Maiestie, is content to accept of our indeauour, and heartie desire? the heart & tongue of man cannot sufficiently magnifie so great a mercie. Thus much for the first.

Againe the mercie and moderation of God towards his children appeares thus.

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There is not the best man, but he sinneth, & there is not a sinne so little, but in Iustice it deserueth a whole world of punishments, yea all those curses denounced in the lawe, euen all those plagues threatned, Deut. 28. all which in Iustice should ouerwhelme him, presse him downe, & crush him to nothing. But behould the mercifull moderation of God, he is content to lay no more crosses on his children, then by his owne grace, (which he also giues them) they shall be able to vndergoe, and in the end to ouercome also. When his children sinne, (as when do they not?) doth he punish them according to the proportion of their sinne? no: for then all the curses of his lawe should be heaped on them for one sinne; and if he did so, he did but Iustice: nay he deales so with them, as it is not to be called a punishment at all, but rather a chastisement: for a punishment must be in some sort, proportionable to the offence, but that which he laieth on his children, is nothing at all to their sinne: and therfore it is no punishment properly, but (as it were) the chastisement or correction of a

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father; to teach his sonne his dutie, and to reforme him, and bring him home from his euill waies: and therefore not in the rigour of a Iudge, but in the loue and wisdome of a father, he first considereth what we are able to beare: and then laieth no more on vs, then we may well beare: and which is most wonderfull of all, he giues vs strength to beare them. To this ende speakes the Apostle to the Corinthians, 1. Cor. 10. *There hath no temptation taken you, but that which befalls the nature of man.* Whereby he imports thus much, that there are temptations, and crosses in Gods Iustice due for sinne, and which he hath in store, readie at his pleasure, which are so great, so heauie, and so fearefull, as *the nature of man could not possibly beare them*, but should sinke vnder them, and perish, as did Cain and Iudas, and such like. Amongst these an euill conscience is one, which is so intollerable, as the wise man saith, Prou. 14. 18. *A wounded spirit, who can beare it?* But the crosses he laieth on his children, are alwaies such, as they beare with comfort for a time, and at last with ioy doe ouercome them. A

notable example hereof we haue in Salomon, of whome God saith to Dauid, *If he sinne, I will chastise him with the rod of men:* as if he shold haue said, I could in my iustice, for Salomons great sinnes, beate him with scorpions, and bring him to nothing, by my heauie hand, but I will consider, he is my child, and but a man: therefore will I lay vpon him no more, then the nature of man is able to beare. As God dealt with his sonne Salomon, so this is Gods voice to all his sonnes: vnto all my Church and Children, will I vse such lenitie and moderation, and in my chastising of them, I will so abate the rigour of my Iustice, that by my hand and rodde, they shall not be pressed downe, but rather raised vp in new obedience, and learne thereby to feare and loue me more then before.

This should euery Christian man seriously consider of, and thinke with himselfe, how much this bindes a man to deale moderately with his brother, when the Lord deales so moderately with him. Thou sinnest, & God chastiseth thee most mildly, and laieth not on thee the thousād part of these crosses, which

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in Iustice he might doe. Shall the Lord deale thus moderately with thee, for thy many and so great sinnes, and wilt thou deale so hardly with thy brother, in his fewe and small offences against thee? remember therefore in thy dealing with thy brother, this dealing of God with thee, and certainely thou canst not forget the one, if thou hast tasted of the other. Shew thy selfe therefore, that thou hast beene partaker of Gods fauour, and that thou hast felt in thy soule, the sweetnesse of his mercies, by beeing milde & mercifull to thy brethren: out of that great sea of mercies, which God lets flowe ouer thee all thy life long, let fall some droppes of mercie on thy brother, and remembring how God deales with thee, deale not thou with thy brother alwaies so hardly, nor so straitly, as thou maiest, or he deserues. Let these foure mercifull actions of god towards thee, be foure strong bonds, to tie thee to the obedience of this dutie, to be milde and mercifull to thy brethren, remembring euery day, how moderately God deales with thee, and howe farre from that extremitie, which

thou deseruest. And to mooue vs hereunto, let euery man be well assured, that the more he hath tasted of Gods mercie, the more shall men taste of his mercie; and the more sinnes that a man hath forgiuen him at gods hands, the more will he remit and forgiue in his brother; and the more he feeles in his owne soule Gods loue and mercie to him, and the more neere he is to God by his faith and repentance, the more carefull will he be, to deale gently with his brethren: and the reasons hereof are these.

First, God forgiueth not a man his faults but vpon condition, that he shall forgiue his brother, God is not mercifull to a man, but vpon cõdition he shall be so to all men with whome he deales. Secondly, the mercie of God to vs, in forgiuing our sinnes, is not made knowne to the world by any meanes more, then this, when a man is not hard and extreame, but equall and mercifull in his dealing with men. Whereupon therefore it followeth, that the further a man is from God, and the lesse that he hath felt of Gods loue to him, the lesse moderation will he

performe

performe to his brother. Let euery man then be ashamed, by these his extreame courses with his brethren, to make it known to the world, that he is an Impenitent sinner, himselfe vnreconciled to God, and his sinnes vnpardoned: and let no man thinke he shall escape that censure, if he be an vnmercifull man: for certainely it is imprinted in mens dealings, whether they be in Gods fauour, and their sinnes are pardoned, or no. Let therefore euery man, when his owne crooked nature, or the deuill makes him boyle against his brother in anger, and vrgeth him to vse him hardly and extreamely, consider with himselfe, and say; I liue vnder God, I am more in Gods hand, then this man in mine: I haue offended God more, then he me: and if I had my desert, I had now beene in hell for my sinnes: but yet I liue, and by his mercie I am spared, and am here still. But hath God spared me, that I should pinch others? hath he beene mercifull to me, that I should be cruell to others? surely therefore I will be mercifull and moderate to my brethren, more then they deserue, least God take his

mercy from me: and then what shall become of me, but to be throwne suddainly into hell, which I deserued long agoe: nay I will by my equitie and moderation towards my brethren, moove the Lord to be still more mercifull to me, without which his mercie, I cannot liue one day in the world.

Hitherto of the Exhortation of the Apostle, and of the great moderation of God to man.

Now followeth the Apostles reason, *The Lord is at hand.* These wordes beare two senses, or meanings. The first, of the last iudgement: the second, of Gods presence. The first, is thus framed, if the holy Ghost meant of the last iudgement: Be you equall and moderate one towardes an other, for God is readie in his great and generall iudgment, to iudge all men, and then happie is he that findes not Iustice, but tasts of mercie: and who shall tast of mercie then, but he that shewed mercie in this world? But if secondly, the holy Ghost meant of Gods presence, then is the argument framed thus: God is present with euery man, and at euery action,

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to testifie and iudge of it, and either to approoue it and reward it, if it be vpright, equall, and mercifull: or to correct and punish it, if it be extreame, and void of equitie: therefore *let your equitie be knowne to all men.* Both senses are good, but we will cleaue vnto the latter. It is then all one, as if the holy Ghost had said; Vse equitie and moderation in your dealings, and remember who is at your elbow, stands by and lookes on, readie to iudge you for it.

Surely there can be no better reason then this, if it be setled in a mans heart: for a theefe, or a cut-purse, if he saw the Iudge stād at his elbow, and looked vpon him, he would not doe euill, he would stay his hand, euen because he seeth that the Iudge seeth him, who can presently hang him. A strong reason with men, and it keepes euen bad men from leud practises. Consider therefore when the Iudge of Iudges, the Lord of heauen and earth, stands by and seeth, and markes all thy actions, whether they be towards thy brother, as his is towards thee. This ought to make the greatest man on earth, feare how

he deales cruelly or hardly with his brother. But worldly men will not be perſwaded of this, but when they are laying their plots to deceiue their brother, and when by iniuſtice, and extremitie, they pinch and wring him, they thinke in their hearts, God ſeeth them not, nor doe they euer thinke of God, but labour that God may be out of all their thoughts. This is the cauſe of all ſinne in the world: for thence is it that mens hearts are hardned, and that they care not how extremely they deale with men, becauſe they thinke God ſeeth them not, nor wil cal them to account for it, and doe with them as they haue done with their brother. Hence comes all iniuſtice, crueltie, extremitie, ſuits in law for trifles, taking forfaitures of leaſes, and of bonds, and taking all aduantages. Hence comes it, that one man will not ſpare an other one day, nor forgiue one fault, nor paſſe by any infirmitie, nor put vp the leaſt iniurie, nor yeelde one inch from his right: but if his brother offend neuer ſo little, vpon neuer ſo apparent weaknes, he ſhall heare of it on both ſides, as they ſay: and if he deſerue

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ill, he shall haue his deserts to the full. Thus hearts are hardened, affections are immoderate, bowells of compassion are shut vp, loue and pitie are banished, and in their roomes raigne crueltie, and iniustice. Moderation dwells in corners, but extremitie is that, which beares sway ouer all the world: what is the cause of all this? Surely, first, because men are vnsanctified, and haue not repented of their sinnes, & so they feele not, that God is moderate, and mercifull to them. Secondly, they perswade not themselues, that God seeth them; therefore against this blasphemous thought the roote of all euill, and cause of all sinne, arme thy selfe with this reason of the Apostle, and resolue of it, that this is the eternall trueth of God, and shall stand for euer. *The Lord is at hand*: and seeth and obserueth thee, & all thy doings. Therefore as thou wilt escape his mightie and fearefull hand, season thy doings and dealings with moderation: and if thou hadst noō science, nor no mercie in thee, yet be mercifull, remēbring who seeth thee; and deale moderately and equally in the sight and presence of so mode-

moderate, so milde, and so mercifull a God: so mercifull a rewarder of him that deales moderately, and so powerfull a reuenger of him that deales hardly, and extreamely with his brother. Let vs then ende with the Apostle as we began: *Let your Equitie and Moderation be knowne to all men, for God is at hand.*

And thus much out of Gods word, of Publike and Priuate Equitie: wherein I haue not spoken all I might, but giuen occasion to others, to enter into further consideration thereof.

Trin-vni Deo gloria.

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